

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-16-06)
SIMON AND AMY STERCHI
APRIL 18, 2016

This is a report to the Flathead County Board of Adjustment regarding a request from Simon and Amy Sterchi for a conditional use permit to allow for a *'bed and breakfast establishment'*. The subject property is located within the Highway 93 North Zoning District and is zoned *'SAG-10 Suburban Agricultural'*.

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on May 3, 2016 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

B. Board of Adjustment

This space will contain an update regarding the May 3, 2016 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Simon and Amy Sterchi
288 Songbird Lane
Whitefish, MT 59937

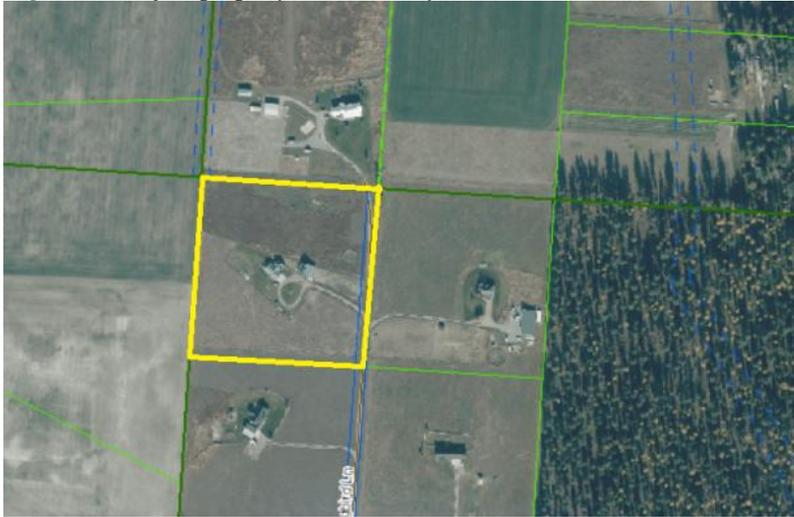
ii. Landowner

Simon and Amy Sterchi
288 Songbird Lane
Whitefish, MT 59937

B. Property Location and Size

The property is located at 288 Songbird Lane south of Whitefish (see Figure 1 below). The property is approximately 9.5 acres and can be legally described Tract 1A in Section 35, Township 30 North, Range 22 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in yellow)



C. Existing Land Use(s) and Zoning

The property is located within the Highway 93 North Zoning District and is zoned ‘SAG-10 Suburban Agricultural’. The SAG-10 zone is defined as, “A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.”

The property is currently developed with a residence, barn, chicken coop and greenhouse.

D. Adjacent Land Use(s) and Zoning

Property in the surrounding vicinity includes ‘SAG-10 Suburban Agricultural’ and ‘AG-40’ zoning (see Figure 2 below). The primary uses in the area are generally low density residential, agricultural/silvicultural production, and open space.

Figure 2: Zoning surrounding the subject property (highlighted yellow)



E. Summary of Request

The applicant is proposing a ‘bed and breakfast establishment’ at 288 Songbird Lane which is currently zoned SAG-10 under the Highway 93 North Zoning District. The bed and breakfast establishment will consist of an approximately 400 square foot one bedroom, one bath mother-in-law apartment. The apartment is located in a residential dwelling located on 10 acres. The bed and breakfast is anticipated to be operational year round.

The applicant is requesting a conditional use permit to allow for a bed and breakfast establishment to be placed on the subject property pursuant to Section 7.03.020 and Section 4.02 of the Flathead County Zoning Regulations (FCZR). A bed and breakfast establishment is defined under Section 7.03.020 FCZR as “A *single-family detached dwelling containing, in addition to living accommodations for the resident manager, individual sleeping rooms without cooking facilities for the purpose of providing to the general public for compensation, lodging, bathroom facilities, and breakfast only to overnight patrons.*” The placement of a bed and breakfast establishment in a SAG-10 zone requires the issuance of a Conditional Use Permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit and conditional use standards for a bed and breakfast establishment found in Section 4.02 FCZR.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on April 15, 2016, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the April 17, 2016 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on March 29, 2016:

- Bonneville Power Administration
- West Valley Rural Fire Department
- Flathead City-County Health Department
- Flathead County Solid Waste (FCSW)
- Flathead County Weeds and Parks Department
- Flathead County Sherriff’s office
- Montana Fish, Wildlife and Parks
- Flathead County Road Department

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for May 3, 2016. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Flathead County Solid Waste District
 - Comment: “If the conditional use permit is granted any and all solid waste generated at the proposed location will need to be hauled by private licensed hauler. Evergreen Disposal is the licensed (PSC) Public Service commission licensed hauler in this area.” Letter received April 14, 2016.
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated April 1, 2016
- Flathead County Environmental Health Department
 - Comment: “The proposed bed and breakfast operation requires a Public Accommodations license issued by Montana Department of Health and Human Services, Food and Consumer Safety Section (MCA 50-51). Please contact Flathead Environmental Health Services for a plan review, operational rules and regulations (Title 37.111.3 and circular 1-2012), and a licensure requirements (MCA 50-51). A septic permit was issued in 2000 for a 4-bedroom single family dwelling. The existing dwelling must not exceed four (4) bedrooms or the wastewater treatment and disposal system must be upgraded to meet the additional volume.” Letter dated April 14, 2016
- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA has no objection to the proposed action.” Email dated April 4, 2016.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

The proposed bed and breakfast establishment will be located on 9.5 acres (see Figure 3). The lot is currently developed with a residence, barn, chicken coop and greenhouse and is relatively flat. The total lot coverage for the proposed bed and breakfast establishment would be less than the permitted lot coverage in the SAG-10 zone of 20%.

The minimum yard requirements within the SAG-10 zoning are 20 feet for front, side, rear and side corner yards for the principal structure. The setbacks for accessory structures are 20 feet from front and side corner yards and 5 feet for side and rear yards. An additional 20 foot setback is required from streams, rivers and unprotected lakes but none of these features exist on site. Based on the site plan which notes at least 280’ setback, it appears the subject property has adequate useable space to accommodate the bed and breakfast establishment in compliance with the setback and lot coverage requirements of the SAG-10 zone.

Figure 3: Site map



Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 400 square feet of the 9.5 acre lot and the proposal will easily meet the applicable setback and lot coverage requirements.

ii. Adequate access

The bed and breakfast establishment will be accessed via Songbird Lane, a gravel two-lane local private road within a 40' easement with an existing approach from Spring Prairie Road. Spring Prairie Road is a paved local road with a 60' easement. (See Figure 4)

Figure 4: Access from Songbird Lane



Finding #2 – Access to the property is currently suitable for the proposed use because the bed and breakfast establishment will be access off Songbird Lane, a gravel two-lane local private road within a 40’ easement with an existing approach from Spring Prairie Road. Spring Prairie Road is a paved local road with a 60’ easement.

iii. Absence of environmental constraints

According to FEMA FIRM panel 1405J the subject property is situated in an un-shaded Zone X, which is classified as an area outside the 500-year floodplain. Additionally, there appears to be no wetlands, streams, or creeks located on the subject property.

Finding #3 – The subject property appears suitable for the bed and breakfast establishment because the site is not within a Special Flood Hazard Area and does not contain wetlands, streams, or creeks.

B. Appropriateness of design

i. Parking scheme

FCZR Section 6.03.010 states that for Bed and Breakfast there is a requirement of, “2 spaces for the resident family or manager plus 1 space per room rented plus 1 space for every 2 outside employees of maximum shift.” The parking space dimensions for a standard vehicle are 9 by 20 feet. [FCZR Section 6.01.010(2)(A)] There will be no employees for the bed and breakfast. The application indicates a 20 by 12 foot gravel parking area will be constructed for the bed and breakfast establishment. This parking area along with parking pad by the 2 car garage will accommodate the 2 spaces for the resident family and 1 space per room rented since there is one room available for rent. This appears to be more than sufficient to meet the requirements of Section 6.03.010 as the two cars for the resident family and one space for the one room rented require 3 parking spaces.

Figure 5: existing parking pad



Finding #4 – The proposed parking scheme appears to be appropriately designed because the applicant is proposing a parking area with 1 space for the bed and breakfast establishment and a 2 car garage for the manager’s family and parking pad exist which appears to meet requirements outlined in the FCZR.

ii. Traffic circulation

Ingress and egress to the bed and breakfast establishment proposed on the subject property will be via a private driveway off of Songbird Lane. FCZR Section 6.16.020(3) requires a minimum road width of 20’ for two-way traffic accessing a business which the proposal appears to meet.

Songbird Lane is gravel, two-lane private road within a 40’ easement. Songbird Lane is approximately 20’ wide and given the low speeds on the road there appears to be adequate site distances for traffic entering and exiting the property.

Finding #5 – The proposed traffic circulation appears to be appropriately designed because the existing driveway off of Songbird Lane would support one-way traffic to the parking area for the proposed bed and breakfast establishment.

iii. Open space

The subject property is 9.5 acres in size and the applicant is proposing to utilize an existing 400 square foot mother-in-law apartment for a bed and breakfast establishment. The applicant states no additional structures will be built in addition to the existing residence, barn, chicken coop and greenhouse. The total lot coverage for the proposed bed and breakfast establishment would be well below the permitted lot coverage in the SAG-10 zone of 20%.

iv. Fencing/screening

The applicant states ‘the property is currently fenced and cross-fenced for horses and livestock (cow). There will be no change to existing fencing.’ The zoning designation and bed and breakfast establishment do not require any fencing or screening.

v. Landscaping

The applicant states ‘Grass sod will be laid around exterior entrance and a walkway built from parking area.’ No landscaping is required for the bed and breakfast establishment based on the applicable zoning regulations.

vi. Signage

The applicant states ‘No signage will be utilized.’ There is no current signage on the property. All signage shall meet the standards outlined in FCZR Section 5.11.

vii. Lighting

According to the application concerning lighting, ‘residential exterior motion detector light on the barn and residence will be added. The applicant shall be required to conform to the lighting standards set forth in Section 5.12 FCZR and will be conditioned accordingly and inspected after one year.

Finding #6 – The bed and breakfast establishment appears to be adequately designed because lot coverage will be less than 20 percent of the property will be developed, the applicant is proposing additional sod grass to be laid around the exterior entrance and a walkway built from the parking area.

Finding #7 – Any future directional signs shall meet requirements outlined in FCZR Section 5.11.

C. Availability of Public Services and Facilities

i. Sewer

The proposed bed and breakfast establishment will be served by an existing single septic system. Comment from Flathead City-County Environmental Health Department states, “A septic permit was issued in 2000 for a 4-bedroom single family dwelling. The existing dwelling must not exceed four (4) bedrooms or the wastewater treatment and disposal system must be upgraded to meet the additional volume.” The septic system appears to meet the need of the conditional use of the bed and breakfast establishment. The septic system must be approved by the Flathead City-County Environmental Health.

ii. Water

The application states that the bed and breakfast establishment will use the ‘existing well.’ The water system must be approved by the Flathead City-County Environmental Health.

Comment from Flathead City-County Environmental Health Department also states “The proposed bed and breakfast operation requires a Public Accommodations License issued by Montana department of Health and Human Services, Food and Consumer Safety Section (MCA 50-50).” The applicant must obtain the appropriate accommodations license from the Flathead City-County Environmental Health Department for operation of a bed and breakfast establishment.

Finding #8 – The requirements for waste water treatment, water and accommodations license for the bed and breakfast establishment appear to be acceptable because the systems and applicant will be required to meet the Flathead City-County Environmental Health permit standards.

iii. Storm Water Drainage

The application materials indicate storm water run-off will be handled through on-site absorption. The proposed use does not appear to affect the existing storm water drainage due to the fact the existing structures and impervious surfaces will not be altered. The proposed use will be required to be reviewed and approved by the Flathead City-County Department of Environmental Health in order to obtain a storm drain permit applicable to the bed and breakfast establishment. This will be conditioned and verified after one year.

Finding #9 – The bed and breakfast establishment appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will be reviewed under the

Sanitation in Subdivision Act by the Flathead City-County Environmental Health Department.

iv. Fire Protection

The subject property is located in the West Valley Fire District. The request to operate a bed and breakfast establishment would not alter the number of structures on the property. The subject property is currently served by the West Valley Volunteer Fire Department, and is located approximately 4.5 miles from the existing fire station. The bed and breakfast establishment would be used year round and is not likely to hinder the availability of fire protection. No comments have been received from the West Valley Fire Department at this time.

v. Police Protection

The property would be served by the Flathead County Sheriff's Department. Due to the proximity of the property to both Whitefish and Kalispell long response times are not anticipated. The bed and breakfast establishment would be used year round and is not likely to hinder the availability of police protection.

vi. Streets

The bed and breakfast establishment will be accessed via Songbird Lane, a gravel two-lane local private road within a 40' easement with an existing approach from Spring Prairie Road. Spring Prairie Road is a paved local road with a 60' easement.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the bed and breakfast establishment will be used year round, the West Valley Fire Department and Flathead County Sheriff provide services to the subject property and the property is accessed off of an adequate roadway for the proposed use.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The proposed bed and breakfast establishment is not anticipated to increase traffic along Songbird Lane above the level expected of a single family residential use. The applicant states 'We anticipate one guest car during peak season, mainly leaving in the morning and returning in the evening after tourist activities. Residence has two drivers who carpool to work. Impact on traffic should be minimal.' There is no comparable use listed in the 5th edition of the Institute of Transportation Engineers Trip Generation book.

The most recent traffic count by the Flathead County Road & Bridge Department for Spring Prairie Road, which was the name of the road before the address change for 911 emergency purposes, north of KM Ranch Road, an unclassified local road, conducted in 2012 showed a total average daily traffic (ADT) count of 657. An additional 2 trips a day anticipated by the bed and breakfast establishment would increase traffic on Spring Prairie Road by .003%. The Flathead County Road and Bridge department submitted comments stating,

“At this point the County Road Department does not have any comments on this request.” Given the anticipated increase of only .003% in traffic generation for Spring Prairie Road and the Flathead County Road and Bridge Department raising no concerns with the proposal, it does not appear the proposed bed and breakfast establishment would generate excessive traffic.

ii. Noise or vibration

The applicant states, ‘None.’ Given the use is similar to the permitted use of and Accessory Dwelling Unit (ADU) there appear to have minimal impacts to the surrounding area and neighborhood.

iii. Dust, glare or heat

The proposed use is not anticipated to generate glare or heat that would adversely impact the neighborhood. There are no proposed changes to the current buildings which would alter the current effect on dust, glare or heat.

iv. Smoke, fumes, gas, or odors

No fumes or gas are anticipated to be generated by the bed and breakfast establishment.

v. Inappropriate hours of operation

The applicant states ‘since it (bed and breakfast) is part of the residence, hours of operation will be in accordance with residential use.’

Finding #12 – The proposed use is not anticipated to impact the surrounding neighborhood because the traffic generated by the proposal is only anticipated to increase traffic on Spring Prairie Road/Songbird Lane by .003%, the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors or have of operation out of character with the semi-rural setting or produce unacceptable impacts to the neighborhood.

V. SUMMARY OF FINDINGS

Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 400 square feet of the 9.5 acre lot and the proposal will easily meet the applicable setback and lot coverage requirements.

Finding #2 – Access to the property is currently suitable for the proposed use because the bed and breakfast establishment will be access off Songbird Lane, a gravel two-lane local private road within a 40’ easement with an existing approach from Spring Prairie Road. Spring Prairie Road is a paved local road with a 60’ easement.

Finding #3 – The subject property appears suitable for the bed and breakfast establishment because the site is not within a Special Flood Hazard Area and does not contain wetlands, streams, or creeks.

Finding #4 – The proposed parking scheme appears to be appropriately designed because the applicant is proposing a parking area with 1 space for the bed and breakfast establishment and a 2 car garage for the manager’s family and parking pad exist which appears to meet requirements outlined in the FCZR.

Finding #5 – The proposed traffic circulation appears to be appropriately designed because the existing driveway off of Songbird Lane would support one-way traffic to the parking area for the proposed bed and breakfast establishment.

Finding #6 –The bed and breakfast establishment appears to be adequately designed because lot coverage will be less than 20 percent of the property, the applicant is proposing additional sod grass to be laid around the exterior entrance and a walkway be built from the parking area.

Finding #7 – Any future directional signs shall meet requirements outlined in FCZR Section 5.11.

Finding #8 –The requirements for waste water treatment, water and accommodations license for the bed and breakfast establishment appear to be acceptable because the systems and applicant will be required to meet the Flathead City-County Environmental Health permit standards.

Finding #9 – The bed and breakfast establishment appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will be reviewed under the Sanitation in Subdivision Act by the Flathead City-County Environmental Health Department.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the bed and breakfast establishment will be used year round, the West Valley Fire Department and Flathead County Sheriff provide services to the subject property and the property is accessed off of an adequate roadway for the proposed use.

Finding #11 – The proposed use is not anticipated to impact the surrounding neighborhood because the traffic generated by the proposal is only anticipated to increase traffic on Spring Prairie Road/Songbird Lane by .003%, the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors or have of operation out of character with the semi-rural setting or produce unacceptable impacts to the neighborhood.

VI. CONCLUSION

Upon review of this application, the request to allow for a bed and breakfast establishment is generally supported by the review criteria and the Findings of Fact listed above. Should the Flathead County Board of Adjustment choose to adopt staff report FCU-16-06 as Findings of Fact and approve the conditional use permit, the following conditions would ensure compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS

1. The operation of the ‘Bed and Breakfast Establishment’ on the subject property shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below for this permit to be valid [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].

3. The approved use shall conform to the applicable standards of the SAG-10 Suburban Agricultural zoning district [FCZR Section 3.07].
4. A minimum of 3 standard vehicle parking spaces shall be clearly established on the subject property in accordance with applicable zoning regulations [FCZR Sections 6.03.010].
5. The proposed water, wastewater treatment and storm water drainage systems for the bed and breakfast establishment shall be reviewed as applicable by the Flathead City-County Health Department. A copy of the approved permits shall be available upon request by Flathead County Planning and Zoning.
6. The applicant shall obtain a Public Accommodations license issued by Montana Department of Health and Human Services, Food and Consumer Safety Section (MCA 50-51) and submit to the Flathead County Planning and Zoning Office.
7. All signage on the subject property shall comply with all applicable standards and guidelines set forth under Section 5.11 of the Flathead County Zoning Regulations
8. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
9. The operation of the bed and breakfast establishment shall commence within one year from the date of issuance of the conditional use permit. The permit may be extended for one additional year if the permittee requests additional time prior to expiration date.
10. At the end of twelve (12) months from the date of authorization of this permit staff will inspect to verify compliance [FZCR Section 2.06.060].

Planner: DV